

### **REMARKS**

Claims 1-126 are pending; and of these, independent claims 1, 22, 41, 48, 67, 74, 81, 88, 91, 94, 101, 104, 111 and 120 have been amended, along with various of their dependent claims where necessary to effect consistency of recitation. Reconsideration of the subject application in view of this Paper is respectfully requested.

As will be seen, each of the claims now provides for “at the remotely located processing system, processing the data set to decode the ancillary codes”. Paragraph [00058] of Applicant’s specification supports such amendment.

The reference alleged to anticipate each of the claims, U.S. Patent No. 6,647,548 to Lu et al. (hereinafter “Lu”), fails to show, either expressly or inherently, such a feature. Rather, Lu discloses simply providing for a check as to the presence of such codes at its central site 34. This check consists of “sanity processing”. This is merely a method of determining which already decoded ancillary codes are to be used in a correlation process aimed at producing an identification of media data. See column 12, lines 42-54 and column 13, lines 15-38.

Decoding of ancillary codes does not take place at Lu’s central site 34 since such codes have previously been read by its code reader 52 or 60 at, respectively, the household 12 or at such location that the portable metering apparatus 26 may be used. To employ further code reading, i.e., decoding, at central site 34 would lack purpose -- thereby ample justification why doing so is not discussed in Lu.

Further still, Lu offers additional bases for concluding that any information initially identifiable of media data is obtained at the user site, and not at a remote location. First, at the user site, information from a station detector 54, or alternatively, from manual entry by the

viewer into an input device, e.g., a people meter 16, is used to produce the identification of a program in the absence of an ability to read ancillary codes. See column 8, lines 55-67 and column 9, lines 9-47. Second, Lu describes its tuning records 90 (which are obtained, for example, from the household metering apparatus 14 located at the household 12) as already containing decoded audio codes by virtue of their inclusion of a code field 96. See column 12, lines 1-20.

In contrast, Applicant's claims as now amended clearly provide that initial decoding of ancillary codes is carried out by a processing system located remotely from the recited user location. As will be understood by one of ordinary skill in the art, obtaining information from ancillary codes to enable the measurement of the usage of media data in this manner greatly reduces the complexity and expense of equipment necessary at the user location. Further, initially decoding information at a location remote from the user location permits an ability to select from among many different types of devices having an ability to communicate the data set of Applicant's invention.

Accordingly, it is kindly submitted, for all of the reasons presented, that rejection of the claims is no longer appropriate in view of this Paper; thus, it is kindly requested that such rejection be withdrawn.

It is respectfully submitted that the claims pending in the subject application are in condition for allowance. Accordingly, reconsideration of the application and allowance thereof are respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, the Examiner is invited to telephone the undersigned directly by calling (212) 790 – 9278.

The Director is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16-1.17  
which may be required by Papers filed in this application to Deposit Account No.  
03-3415.

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Respectfully submitted,



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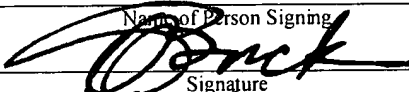
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